

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID LOOS	:	CIVIL ACTION
	:	
v.	:	
	:	
SAINT-GOBAIN ABRASIVES, INC., et al.	:	NO. 13-7588

ORDER

AND NOW, this 23rd day of June, 2014, following a status conference, it is hereby
ORDERED that:

1. This case is **REFERRED** to the Honorable Elizabeth T. Hey, United States Magistrate Judge, for a settlement conference on **January 12, 2015 at 9:30 a.m.** Judge Hey's chambers are located at Suite 3038, 3rd floor, U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106, and counsel may contact Judge Hey's chambers at (267) 299-7670;
2. All fact discovery shall be completed by **March 20, 2015**;
3. All expert reports shall be provided by **April 3, 2015**;
4. Any expert rebuttal reports shall be provided by **April 17, 2015**;
5. Expert discovery shall be completed by **May 18, 2015**;
6. Any pretrial motions (except motions *in limine*) including but not limited to Summary Judgment Motions and *Daubert* motions are to be docketed with the Clerk of Court and a copy delivered to my chambers - Suite 8613, 601 Market Street, Philadelphia, PA 19106 - no later than **June 18, 2015**;
7. Opposition to said motions are to be docketed with the Clerk of Court and a

copy delivered to my chambers no later than **July 9, 2015**;

8. Reply briefs are to be docketed with the Clerk of Court and a copy delivered to my chambers no later than **July 23, 2015**;

9. All parties **SHALL** comply with the following protocol as to Summary Judgment motions:

A. The parties shall meet, confer and create a list of **Stipulated Facts**, in numbered paragraphs, which the movant shall submit with the motion. The parties shall act in good faith to stipulate to as many facts as possible. Motions for summary judgment shall not include a statement of facts other than the Stipulated Facts;

B. For purposes of summary judgment, counsel shall submit a **Joint Appendix**, including any and all exhibits that may be referenced in their respective motions and briefs, no later than **June 18, 2015**. All pages of said appendix shall be consecutively “bates-stamped” and referenced in the motions and briefs by the bates number assigned each page. The Joint Appendix shall include a **table of contents**. The parties shall make every effort to include all necessary exhibits in the initial Joint Appendix. Should it become necessary for the non-moving party to submit additional exhibits, however, it may do so at the time it files its opposition brief. Any addendum to the joint appendix shall be consecutively bates-stamped, beginning at the page number where the Joint Appendix left off, and shall include a table of contents. Judge Restrepo will not consider material not included in said appendix;

Failure of the movant to follow this procedure in all respects will result in the denial of the motion. Respondent’s failure to comply will result in the Court’s considering the motion as uncontested;

10. Jury Selection in this case will take place on **Friday, August 28, 2015** at 10:00 a.m. in **Courtroom 8B** at the U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106;

11. Opening statements of counsel and presentation of evidence at trial will begin on **Monday, August 31, 2015** in Courtroom 8B;

12. All final pretrial memoranda and motions *in limine* are to be filed with the Clerk of Court and a copy delivered to my chambers no later than **August 10, 2015**;

13. All parties shall prepare and file their respective pretrial memoranda consistent with Local Rule of Civil Procedure 16.1(c). The parties shall also include or attach to their pretrial memoranda the following:

- (i) the identity of any expert witnesses to be called at trial by the party;
- (ii) a curriculum vitae for each expert witness;
- (iii) the identity of each fact witness to be called at trial with a concise statement of the nature of the expected testimony (witness not listed may not be called by that party in its case-in-chief);
- (iv) designation of deposition testimony to be offered at trial;
- (v) an itemized statement of damages or other relief sought;
- (vi) a statement of any anticipated important legal issues on which the Court will be required to rule, together with counsel's single best authority on each such issue;

14. No later than **August 10, 2015** the parties shall file with the Clerk of Court **JOINT** proposed jury instructions on substantive issues and **JOINT** proposed verdict forms or

special interrogatories to the jury. **The Joint Instructions should be tailored to include the names of the parties in this case and the particular facts at issue.** Each party shall also file proposed jury instructions, verdict forms or special interrogatories on those issues not agreed upon by the parties in their joint submission. In submitting proposed points for charge, the parties are directed to the Model Civil Jury Instructions which are available on line at:

<http://www.ca3.uscourts.gov/model-jury-instructions>

Where applicable, the Court will use the Model Civil Jury Instructions to instruct the jury.

Jury instructions shall be submitted on a separate sheet of paper, double-spaced, with accurate quotes from and citations to cases and pattern jury instructions where appropriate. The parties shall also **provide the Court at chambers with proposed jury instructions on a computer disc or attached to an email in Word or WordPerfect format;**

15. No later than **August 17, 2015** the parties are to compile a **JOINT** final version of any and all trial exhibits. Two copies of each trial exhibit shall also be delivered to my chambers no later than **August 17, 2015**.

BY THE COURT:

s/ L. Felipe Restrepo
L. FELIPE RESTREPO
UNITED STATES DISTRICT JUDGE